

## REMARKS

Claims 1-4, 6, 8-12, 14-16, and 18-30 are pending in the present application. In view of the following remarks, Applicant respectfully requests reconsideration of the rejections and allowance of the Application.

### Rejections Under 35 USC § 103(a)

In the final Office Action, the Examiner states that claims 1-3, 6, 8-10, 14-16, and 18-30 are rejected under 35 USC § 103(a) as being unpatentable over Walker et al., U.S. Patent No. 6,085,169 [hereinafter "*Walker*"], in view of Jung, U.S. Patent No. 4,775,936 [hereinafter "*Jung*"], and further in view of Litman et al., U.S. Patent No. 6,990,457 [hereinafter "*Litman*"]. *Final Action*, 6. Applicant respectfully traverses in light of, at least, the following remarks.

### The Cited References Do Not Teach The Use Of Maximum Inventory Allotment In Combination With Total Inventory Available.

In the advisory action, the Examiner admits that he is not considering the combination of both limitations of a "reservation request is for less than or equal to the maximum inventory allotment for the tier associated with a requesting user **and** the reservation request is for less than or equal to the total inventory available" applied together in one conditional statement.

Applicants disagree with the Examiner's interpretation of the previously submitted claims. Applicant believes the claim language, by use of the word "and" does recite both conditions together in one conditional statement. In contrast, the replacement of "and" with "or" would support the Examiner's interpretation. However, in order to expedite this Application, Applicant has amended the claims to clarify the combination of the conditions. Specifically, the independent claims now recite, in part, "if a reservation request is **both** for less than or equal to the maximum

inventory allotment for the tier associated with a requesting user **and** for less than or equal to the total inventory available.” (emphasis added).

Based on these claim amendments, the arguments presented in response to the final Office Action are applicable and resubmitted with modification below.

### Independent Claim 1

With respect to claim 1, the Examiner asserts that *Walker* teaches “an allotment database for storing maximum inventory allotments corresponding to inventory categories for each tier.” Applicant disagrees. *Walker* teaches a straight distribution system, not maximum inventory allotments.

The Examiner admits that *Walker* fails to disclose “whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category,” but asserts that *Jung* teaches this part of claim 1, at column 2, lines 20-25. This section of *Jung* teaches calculating a recommended **overbooking** level to produce maximum revenue while minimizing the number of dissatisfied customers. In no conceivable way is this teaching the same or similar to “a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category.”

*Jung* teaches an overbooking system that allows for overbooking of inventory. This is contrary to claim 1. Claim 1 recites, in part, that “an allotment engine [is] ... configured to allow a reservation ... if a reservation request is both for less than or equal to the maximum inventory allotment ... and for **less than or equal to the total inventory available**,” thus clearly not allowing overbooking (see also [0061] for a discussion on preventing overbooking). As such, *Jung* teaches away from the present Application.

The Examiner asserts that support for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory available may be found in *Litman*. However, the cited portions of *Litman* merely disclose an inventory database that stores a number of rooms available (i.e., total inventory available). Based on a hotel availability request, a list of hotels that meet parameters of the request (including availability) are returned. In fact, *Litman* teaches a pure, straight allotment system as discussed in the background section of the present Application. This straight allotment system is not the same as “an allotment engine configured for monitoring the maximum inventory allotments for each tier and the total inventory available for each inventory category and configured to allow a reservation for a particular inventory category if a reservation request is both for less than or equal to the maximum inventory allotment for the tier associated with a requesting user and for less than or equal to the total inventory available,” as set forth in claim 1.

The system of *Litman* teaches nothing more than a simple search engine that finds available inventory. While *Litman* may provide determining if a request is less than or equal to the total inventory, there is no teaching or suggestion for allowing a reservation for a particular inventory category if a reservation request is less than or equal to the maximum inventory allotment for the tier. In fact, there appears to be no teaching whatsoever of tier or maximum inventory allotments as set forth in claim 1. As such, the limitation of “allow[ing] a reservation ... if a reservation request is both for less than or equal to the maximum inventory allotment ... and for less than or equal to the total inventory available” is not taught or suggested by *Litman* or any of the other cited references.

Applicant respectfully notes that simply breaking apart each claim element piecemeal is not appropriate. Certainly if claim elements were divided up into individual words, eventually prior art that disclosed each word could be found, but citing various prior art references that mention “reservation requests” simply does not

mean these prior art references teach claim 1 of the present application. In fact, *Walker*, *Jung*, and *Litman*, either singularly or in combination fail to teach claim 1. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396 (2007). At the very most, the combination of the references cited by the Examiner might yield a straight distribution system in which straight distribution is sometimes ignored in order to overbook in a manner that maximizes revenues, but minimizes customer dissatisfaction. This simply does not teach claim 1 of the present application.

Furthermore, the straight allotment system teaches away from the "system for efficient distribution of inventory allotments among a plurality of tiers" set forth in claim 1. *Jung* teaches an overbooking system which allows for overbooking of inventory. However, claim 1 is directed to a maximum allotment system which does not allow for overbooking.

As such, *Jung* also teaches away from claim 1. Furthermore, since *Walker* and *Litman* teach a straight allotment system which prevents overbooking and *Jung* teaches an overbooking system, there is no motivation to combine these references as they teach away from each other. Therefore, independent claim 1 is allowable over the cited references.

### **Independent Claims 8, 15, 16, 20, and 21**

Because independent claims 8, 15, 16, 20, and 21 incorporate similar limitations of claim 1, claims 8, 15, 16, 20, and 21 are allowable for at least the same reasons as those of claim 1.

### **Dependent Claims 2, 3, 6, 9, 10, 14, 18, 19, and 22-30**

The Examiner rejected claims 2, 3, 6, 9, 10, 14, 18, 19, and 22-30 under 35 USC § 103(a). Applicant respectfully disagrees in that claims 2, 3, 6, 9, 10, 14, 18, 19, and 22-30 depend from otherwise allowable claims as discussed in detail herein. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." 35 USC § 112, ¶ 4. As *Jung* and *Litman* do nothing to overcome the absent teachings of *Walker*, Applicant contends that dependent claims 2, 3, 6, 9, 10, 14, 18, 19, and 22-30 are allowable over *Walker* in view of *Jung* and further in view of *Litman* for at least the same reasons as the independent claim from which they depend.

### **Dependent Claims 4, 11, and 12**

The Examiner states that claims 4, 11, and 12 are rejected under 35 USC § 103(a) as being unpatentable over *Walker*, in view of *Jung*, in view of *Litman*, and further in view of Schiff et al., U.S. Publication No. 2003/0004760 [hereinafter "*Schiff*"]. *Final Action*, 19. Applicant respectfully traverses in light of, at least, the following remarks.

Applicant respectfully disagrees with the Examiner's rejection of claims 4, 11, and 12, in that claims 4, 11, and 12 depend from otherwise allowable claims as discussed in detail herein. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." 35 USC § 112, ¶ 4. As *Jung*, *Litman*, and *Schiff* do nothing to overcome the absent teachings of *Walker*, the Applicant contends that dependent claims 4, 11, and 12 are allowable over

*Walker* in view of *Jung*, in view of *Litman*, and further in view of *Schiff* for at least the same reasons as the independent claim from which they depend.

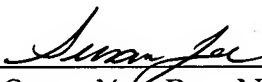
CONCLUSION

Based on the above remarks, Applicant believes that the rejections in the final Office Action of October 16, 2007 are fully overcome, and that the Application is in condition for allowance. If the Examiner has questions regarding the case, the Examiner is invited to contact Applicant's undersigned representative at the number given below.

Respectfully submitted,

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